

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erick Nawrocki	Team: Team # 1	CCRB Case #: 200411723	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/23/2004 11:29 AM	Location of Incident: Bedford Avenue and Myrtle Avenue	Precinct: 79	18 Mo. SOL 5/23/2006	EO SOL 5/23/2006	
Date/Time CV Reported Fri, 11/26/2004 10:49 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/26/2004 10:49 AM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Keith Chatterton	07323	925067	079 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Keith Chatterton	Abuse: PO Keith Chatterton threatened to arrest				

Synopsis

At approximately 11:30 a.m. on November 23, 2004, PO Keith Chatterton issued § 87(2)(b) summonses for not § 87(2)(b) at the corner of Bedford Avenue and Myrtle Avenue in Brooklyn. § 87(2)(b) alleged that during the encounter, PO Chatterton threatened him with arrest. On December 2, 2004, § 87(2)(b) accepted mediation, but the agency's Alternative Dispute Resolution unit later returned the case for a full investigation, having deemed the subject officer unsuitable for the program (because he had three other pending CCRB complaints). § 87(2)(b) This case was reassigned to Supervising Investigator Erick Nawrocki on March 8, 2005, due to Investigator Shelly-Ann Wilkinson's imminent departure from this agency.

Summary of Complaint

§ 87(2)§ 87(2)(b) a § 87(2)(b) white male who is § 87(2)(b), filed this complaint over the phone to the CCRB on November 26, 2004 (enc. 4A-4B). He also addressed a complaint letter to the agency on this same date (enc. 5). § 87(2)(g) At approximately 11:30 a.m. on November 23, 2004, § 87(2)(b) was driving on Bedford Avenue in Brooklyn when PO Keith Chatterton, who was driving a marked RMP, stopped his vehicle near a gas station at the corner of Myrtle Avenue.

After approaching § 87(2)(b)'s vehicle, PO Chatterton requested his driver's license and registration. Reaching for his wallet, § 87(2)(b) asked: "Officer, what is the problem? I'm giving you my license and registration but what is the problem?" In response, PO Chatterton accused § 87(2)(b) of not wearing his seatbelt. § 87(2)(b) who stated that he was wearing his seatbelt the entire time he was driving, denied the traffic violation and pointed to his seatbelt. PO Chatterton responded, "Well, maybe you just put it on." After § 87(2)(b) relinquished his documents, PO Chatterton walked away and reentered his marked police vehicle.

One minute later, § 87(2)(b) got out of his car and approached the police vehicle's passenger side window. After PO Chatterton rolled down his window, § 87(2)(b) respectfully asked, "Officer, can I ask you a question?" In response, PO Chatterton said, "Get back in your car." § 87(2)(b) complied and proceeded to walk away from the police vehicle. As § 87(2)(b) approached his driver's side door, he again asked, "Officer, can I ask a question?" Suddenly, PO Chatterton jumped out of his vehicle and screamed: "Get back in your car! If I hear another word out of you, I'm going to take you in. Get back in your car! Get back in your car!"

§ 87(2)(b) reentered his car as PO Chatterton continued to scream before returning to the marked police vehicle. A few minutes later, PO Chatterton again approached § 87(2)(b)'s driver's side window and handed him summonses for not wearing his seatbelt and disobeying a lawful order. During the CCRB interview, § 87(2)(b) provided the investigator with contact information for a patron at the gas station, § 87(2)(b) who witnessed the incident.

Results of Investigation

Witness Statement:

§ 87(2)§ 87(2)(b) a § 87(2)(b)-year-old white male who is § 87(2)(b), was interviewed at the CCRB on February 22, 2005 (enc. 7A-7C). At approximately 11:30 a.m. on the date of the incident, § 87(2)(b) was pumping gas at a station on Bedford Avenue near the corner of Myrtle Avenue in Brooklyn, where an officer, later identified as PO Keith Chatterton, stopped § 87(2)(b)'s vehicle. § 87(2)(b) first noticed § 87(2)(b) and the officer when he heard PO Chatterton screaming: "If you say another word, I'll take you right in." The officer uttered this sentence two or three times. At the time, the officer was standing next to § 87(2)(b)'s vehicle, approximately twenty to thirty to feet away from where § 87(2)(b) was standing. When he first observed the encounter, § 87(2)(b) was entering his own vehicle, but the officer continued to shout after § 87(2)(b) was inside.

Before leaving the gas station, § 87(2)(b) approached § 87(2)(b) and asked him if he wanted to be a witness for his complaint. § 87(2)(b) also told § 87(2)(b) that the officer had accused him, erroneously, of not wearing his seatbelt while driving.

§ 87(2)(b) who has § 87(2)(b) in the community for approximately twenty-five years, knows § 87(2)(b) as a § 87(2)(b) from the neighborhood. Although he sees § 87(2)(b) frequently in the area, he did not know him well and did not even know § 87(2)(b)'s name before being contacted by the CCRB.

Police Officer Statements:

PO Keith Chatterton, a § 87(2)(b)-old white male assigned to the 79th Precinct, had no memo book entries pertaining to this incident (**enc. 8**). He issued two summonses to § 87(2)(b) (§ 87(2)(b)), one of which contained the following narrative in the notes section: § 87(2)(b) was] told to stay in his vehicle two times. [He] came to my vehicle to plead his case and stated that he had [his seatbelt] on and always wears his seatbelt. He jeopardized my safety [by] coming to my vehicle” (**enc. 9A-9B**).

PO Chatterton was interviewed at the CCRB on February 24, 2005 (**enc. 10A-10B**). On November 23, 2004, PO Chatterton worked an overtime shift from 10:00 a.m. until 2:00 p.m. He did not have a partner and was assigned to stop motorists for seatbelt infractions. At the time of the incident, PO Chatterton was alone in his marked RMP, situated at a forty-five degree angle on Bedford Avenue. From his vantagepoint, he had a clear and unobstructed view of the northbound traffic on Bedford Avenue. He observed an individual, later identified as § 87(2)(b), driving a Tan Chevrolet without his seatbelt. PO Chatterton pulled the vehicle over and began to run its license plate.

While he was running the plate, § 87(2)(b) left his own car and began to approach the RMP. PO Chatterton exited the RMP and instructed § 87(2)(b) to get back into his vehicle. § 87(2)(b) complied and, when the officer later approached § 87(2)(b)'s driver's side window to request his license and registration, § 87(2)(b) insisted that he had been wearing his seatbelt. PO Chatterton eventually obtained the necessary documents and took them back to his RMP in order to write the summons. A few minutes later, PO Chatterton suddenly saw § 87(2)(b) standing right next to the driver's side window of the RMP. § 87(2)(b) continued to plea his case that he had been wearing the seatbelt. He also told the officer that he immediately wanted to speak to a patrol supervisor. PO Chatterton told § 87(2)(b) that he was jeopardizing the safety of both parties and ordered him to return to his vehicle or he would be arrested. PO Chatterton had to threaten § 87(2)(b) with arrest approximately two times before he complied. PO Chatterton eventually finished writing the summonses and provided them to § 87(2)(b).

PO Chatterton admitted that he was startled when § 87(2)(b) approached his vehicle as he was writing the summonses. He described his tone of voice while speaking to § 87(2)(b) as “loud,” a voice level he used to gain compliance from the motorist.

Police Documents:

§ 87(2)(b) was issued summonses for § 87(2)(b). According to the Department of Motor Vehicles, the dispositions of these summonses are still pending. A hearing is scheduled for § 87(2)(b).

Criminal Conviction History:

§ 87(2)(b)) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Previously Substantiated CCRB Allegations:

PO Keith Chatterton, who has been a member of the service for five years, has no previously substantiated CCRB allegations.

Conclusions and Recommendations

Undisputed Facts:

At approximately 11:30 a.m. on November 23, 2004, PO Keith Chatterton stopped § 87(2)(b)'s vehicle and subsequently issued him summonses for not wearing his seatbelt and failing to comply with a lawful order. During the encounter, PO Chatterton threatened to arrest § 87(2)(b).

Officer Identification:

PO Chatterton was identified from the summonses and did not dispute his involvement in the incident.

Credibility:

§ 87(2)(g)

Allegation A) Abuse of Authority: PO Keith Chatterton threatened to arrest § 87(2)(b)

PO Chatterton conceded that he threatened § 87(2)(b) with arrest after the motorist had left his vehicle and approached the RMP as the officer was writing up the summonses. PO Chatterton stated that at this time he was startled and felt his safety had been compromised. § 87(2)(b) admitted to approaching the RMP after the stop to dispute the seatbelt summons. According to Patrol Guide Procedure 208-01, an officer is authorized to effect an arrest for any "petty offense in his presence," including violations and traffic infractions (enc. 1). § 87(2)(g)

Investigator:
Erick Nawrocki

Date:

Reviewed by:
Allison Farmer

Date: